

# Exhibit 7

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2           UNITED STATES DISTRICT COURT  
3           SOUTHERN DISTRICT OF NEW YORK

4           -----X

5           SANDRA GUZMAN,

6

Plaintiff,

7           NO. 09 CIV. 9323 (BSJ) (RLE)

8           VS.

9

10          NEWS CORPORATION, NYP  
11          HOLDINGS, INC., d/b/a THE  
12          NEW YORK POST, and COL ALLAN,  
13          in his official and individual  
14          Capacities,

15

Defendants.

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17          -----X

18

19          VIDEOTAPED DEPOSITION  
20          OF  
21          SANDRA GUZMAN  
22          New York, New York  
23          Thursday, October 13, 2011

24

25

Reported by:

AYLETTE GONZALEZ, CLR

JOB NO. 42950

1                   SANDRA GUZMAN-10/13/11  
 2                   Q. Just the fact that Pedro is Latino  
 3                   makes you think that?  
 4                   A. Yes. It wasn't the first time.  
 5                   Q. What?  
 6                   MR. THOMPSON: She's not finished.  
 7                   A. It's not the first time he referred  
 8                   to Pedro as a criminal at these morning  
 9                   meetings.  
 10                  Q. Well, maybe Mr. Allan thinks  
 11                  Mr. Pedro Martinez has aspects of his public  
 12                  personality that have -- that are -- that open  
 13                  him up to that criticism.  
 14                  A. Well, I think --  
 15                  Q. Could that be true?  
 16                  A. I think that I considered that a  
 17                  discriminatory remark and it wasn't the first  
 18                  time that Mr. Allan was referring to a major  
 19                  league baseball player as a criminal.  
 20                  On one occasion after I had secured  
 21                  an exclusive interview with Mr. Martinez, he  
 22                  asked me how it was. And I said it was great.  
 23                  He said, did he have a machete or a gun. And  
 24                  when you talk about machetes and switchblades  
 25                  and Latinos, these are heavily charged,

1                   SANDRA GUZMAN-10/13/11  
 2                  Q. Did understand -- did you know  
 3                  Pedro Martinez was reported in that incident  
 4                  to have made a hand gesture of a gun with a  
 5                  trigger finger with his hand when he did that?  
 6                  Did you know that?  
 7                  A. No.  
 8                  Q. You didn't know that was reported?  
 9                  You interviewed Mr. Martinez two  
 10                 months after that happened, and you didn't you  
 11                 didn't -- you didn't Google Mr. Martinez and  
 12                 see what was recently -- had recently been  
 13                 written about him? No?  
 14                  A. I'm sorry, what are you showing me?  
 15                  Q. There's a question pending.  
 16                  You didn't Google Mr. Martinez  
 17                 before you interviewed him to see what had  
 18                 been recently written about him?  
 19                  A. I researched.  
 20                  Q. Maybe your research would have  
 21                 turned up Exhibit 11.  
 22                  (Defendant's Guzman Exhibit 11,  
 23                 New York Times article, dated  
 24                 February 23, 2005, marked for  
 25                 identification, as of this date.)

1                   SANDRA GUZMAN-10/13/11  
 2                  racially tinged discriminatory code words.  
 3                  So, I thought it was discriminatory.  
 4                  Q. Did you ever hear Mr. Allan say  
 5                  this remark about any other Latino person?  
 6                  I'm going to remind you, you're  
 7                  under oath.  
 8                  A. Have I ever heard Mr. Allan say any  
 9                  other remark about any other Latino equating a  
 10                 Latino to a criminal?  
 11                  Q. Yes.  
 12                  A. No, but he has said that all  
 13                  Latinos look alike.  
 14                  Q. The answer is no, you haven't heard  
 15                  Mr. Allan equate any other Latino besides  
 16                  Pedro Martinez to a criminal, right?  
 17                  A. No.  
 18                  Q. And did you know that a few -- a  
 19                  couple of months before you published your  
 20                  interview of Pedro Martinez, Pedro Martinez  
 21                  famously told a reporter that he'd blow the  
 22                  reporter's head off for his catcher Mike  
 23                  Piazza?  
 24                  Did you know that?  
 25                  A. No.

1                   SANDRA GUZMAN-10/13/11  
 2                  Q. Can you take a look at that,  
 3                  please.  
 4                  MR. THOMPSON: Can you give us  
 5                  extra copies for my associate?  
 6                  Mr. Lerner, have you produced this  
 7                  document to us? There's no Bates  
 8                  number on it.  
 9                  MR. LERNER: No, we haven't. It's  
 10                 because we just found it on the  
 11                 internet.  
 12                  MR. THOMPSON: Okay. Take your  
 13                 time and review it since they haven't  
 14                 produced this document.  
 15                  Let the record reflect that that  
 16                 document Mr. Lerner has put before  
 17                 Ms. Guzman is dated October 11, 2011.  
 18                 He maintains he just found it on the  
 19                 internet, but this document was  
 20                 printed days ago.  
 21                  Let the record reflect they have  
 22                 not turned this over until 30 seconds  
 23                 ago when they showed it to Ms. Guzman  
 24                 for the very first time. And as her  
 25                 attorney, we have never seen this

1                   SANDRA GUZMAN-10/13/11  
 2 document. It has not been produced to  
 3 us despite the fact that the  
 4 Defendants have had this document for  
 5 days.

6                   Q. Were you aware, Ms. Guzman, in 2005  
 7 of this incident?

8                   A. No.

9                   Q. Is there any other comment that you  
 10 have any personal knowledge of Mr. Allan  
 11 making that references -- references, anything  
 12 derogatory toward Hispanics?

13                  A. Yes.

14                  Q. What is it?

15                  A. I had said earlier that he was  
 16 looking up protestors who were protesting a  
 17 racist monkey cartoon outside the offices of  
 18 The New York Post.

19                  Q. No. I asked if you had heard  
 20 Mr. Allan say anything.

21                  You already testified to that and  
 22 you did not hear him say that, correct?

23                  A. I did not hear him say that,  
 24 correct.

25                  Q. You were told about that remark by

1                   SANDRA GUZMAN-10/13/11  
 2 alike is what Mr. Allan said about the another  
 3 man who works in the office who happens to be  
 4 Hispanic, who happens to have the same name.

5                   He is saying that all Hispanics  
 6 look alike, and I found that offensive. I  
 7 thought that was discriminatory to equate all  
 8 Hispanics as people who look alike.

9                   Q. Did you ask him what he meant by  
 10 that?

11                  A. No.

12                  Q. Did you tell him that you were  
 13 offended by that?

14                  A. No.

15                  Q. Do you know if this is a story  
 16 about somebody who spent two weeks in a hotel  
 17 and left no tip, right?

18                  A. Um-hum.

19                  Q. And Col Allan says. "We got one of  
 20 those in here," right?

21                  A. "We got one of those."

22                  Q. Do you know -- is it possible that  
 23 Col Allan --

24                  A. We got one of those people.

25                  Q. -- is referring to --

1                   SANDRA GUZMAN-10/13/11  
 2 another individual, correct?

3                   A. Correct.

4                   Q. So, my question is: Is there  
 5 anything that you personally heard Mr. Allan  
 6 say that is -- that was a derogatory comment  
 7 about Hispanics?

8                   A. Sure. So, on page 348 of the  
 9 Exhibit 7, there was a story about a man named  
 10 Juan Rodriguez who was on the move. "He had  
 11 checked out of his hotel. He moved to the  
 12 Sheraton on Seven Avenue, where there,  
 13 housekeeper at last night's hotel says she's  
 14 pissed that he stayed for two weeks and left  
 15 no tip. This is a man who apparently had won  
 16 the lotto."

17                  The reporter was checking in with  
 18 cops about priors and domestic abuse  
 19 complaints and Col Allan said, we got one of  
 20 those in here, and they all probably look  
 21 alike. And to me --

22                  Q. They all -- I'm sorry, I don't  
 23 think you read that.

24                  A. And they probably look alike. We  
 25 got one of those here and they probably look

1                   SANDRA GUZMAN-10/13/11

2                  A. He was referring to Juan Rodriguez  
 3 that works at The Post.

4                  Q. Well, is it possible he was  
 5 referring to people who don't tip?

6                  A. He was referring to Juan Rodriguez  
 7 who works at The Post and he was saying they  
 8 all look alike.

9                  Q. Well did he say -- have you ever  
 10 heard somebody -- have you ever heard a white  
 11 person before say that all Latino people look  
 12 alike?

13                  A. Yes.

14                  Q. Is that something you've heard?

15                  A. Yes, I have.

16                  Q. And where have you heard that?

17                  A. In the -- in the news right here in  
 18 the news meeting.

19                  Q. No, I mean other than in this  
 20 incident you're describing. Is that something  
 21 that is -- that you've heard as a derogatory  
 22 comment about Hispanic Americans?

23                  A. Yes.

24                  Q. When have you heard that?

25                  A. I've heard that throughout the

1 SANDRA GUZMAN-10/13/11  
 2 years. Do you realize that Hispanic Americans  
 3 can be black Americans and do you realize that  
 4 that's one of the ways in which we have been  
 5 demeaned and we have been made fun of and  
 6 discriminated against by saying we all look  
 7 alike?

8 Q. Do you think that Mr. Allan was  
 9 referring to Mr. Martinez as Latin American or  
 10 a black American?

11 MR. THOMPSON: Do you mean  
 12 Martinez or Rodriguez? Martinez and  
 13 Rodriguez are not the same.

14 Q. Rodriguez.

15 A. Juan Rodriguez happens to be a  
 16 black Latino, a dark-skinned Latino.

17 Q. And you didn't say anything to  
 18 Mr. Allan when he said that?

19 MR. THOMPSON: Objection.

20 A. No.

21 Q. How do you know he was referring to  
 22 the Juan Rodriguez that works at The Post?

23 A. When the story was read by the news  
 24 editor, he said -- the editor started reading,  
 25 Juan Rodriguez is on the move. And as soon as

1 SANDRA GUZMAN-10/13/11  
 2 sorry, 1:36. We, collectively, have  
 3 not had lunch yet, although the lunch  
 4 has been served. Do people want to  
 5 take a break?

6 MR. THOMPSON: Yes.

7 MR. LERNER: And get something to  
 8 eat?

9 MR. THOMPSON: Yes. All right.  
 10 So, let's take a break. Okay.

11 MR. LERNER: There's food here.  
 12 Do you feel like you need more than a  
 13 half-hour?

14 MR. THOMPSON: No, no since we got  
 15 sort of sidetracked, let's resume in  
 16 30 minutes, if that's fine for the  
 17 Court Reporter, because she's most  
 18 important, and the videographer.

19 MR. LERNER: Fine.

20 THE VIDEOGRAPHER: The time is  
 21 1:39 p.m. We're going off the record.

22 (Whereupon, at this time, a  
 23 lunch break was taken.)

1 SANDRA GUZMAN-10/13/11  
 2 he finished he says, hey, we got one of those  
 3 in here, and they probably look alike.

4 He was referring to Juan Rodriguez  
 5 who worked -- who works in the news room or  
 6 worked at the time in the news room.

7 Q. Did you take -- and how do you know  
 8 that that's what Mr. Allan was thinking, if  
 9 you didn't ask him?

10 A. I just know.

11 Q. Did you take these notes --  
 12 withdrawn.

13 At the top of the page there are --  
 14 the pages are dated -- this one is dated  
 15 12/06/04. Do you see that?

16 A. Yes.

17 Q. So, does that mean that this  
 18 conversation happened on 12/06/04? You have  
 19 to answer verbally.

20 A. Yes. Oh, yes.

21 Q. Are there any other comments by Col  
 22 Allan that you personally heard that you  
 23 regard as offensive to Hispanic people?

24 A. Not that I can recall at this time.

25 MR. LERNER: It's 2:37 -- I'm

1 SANDRA GUZMAN-10/13/11  
 2 A F T E R N O O N   S E S S I O N

3 (Time noted: 2:20 p.m.)

4 THE VIDEOGRAPHER: The time is  
 5 2:20 p.m. We're back on the record.  
 6 video number three.

7 S A N D R A   G U Z M A N , resumed and  
 8 testified as follows:

9 EXAMINATION BY (Cont'd.)

10 MR. LERNER:

11 Q. Ms. Guzman, when you started at The  
 12 Post, were you provided with a set of  
 13 standards of business conduct and policies  
 14 that were applicable at The Post?

15 A. Yes.

16 Q. I'm going to show you a form and  
 17 ask you if this is Guzman 8. And it's NYP  
 18 '495.

19 (Defendant's Guzman Exhibit 8,

20 document Bates labeled NYP '495,  
 21 marked for identification, as of this  
 22 date.)

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1 Guzman  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
3 -----x  
SANDRA GUZMAN,

Plaintiff,  
5

7 NEWS CORPORATION, NYP  
HOLDINGS, INC., d/b/a  
THE NEW YORK POST, and  
8 COL ALLAN, in his official  
and individual capacities,

## Defendants.

10 

12 SANDRA GUZMAN

13 New York, New York

14 Monday, February 13, 2012

15 CONTAINS CONFIDENTIAL PORTIONS

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Reported by: Steven Neil Cohen, RPR  
Job No. 46187

1	Guzman	1	Guzman
2	know, not too many people get 4s and 3s.	2	Q. Okay. Did you know that there was
3	Q. Ms. Guzman, just to be clear, we	3	a reduction in 2008 of one level that was
4	may be misunderstanding one another.	4	required by the APA review committee?
5	When I say did you know that in	5	A. Yes. These reviews happened but
6	2008 you were -- your rating was reduced by	6	Joe ultimately told me that this was his
7	one level, what I am referring to is the	7	decision in 2008.
8	level initially recommended by your	8	In 2009 he was very specific that
9	supervisor Joe Rabinowitz versus the level	9	he had to change it begrudgingly because,
10	that was ultimately assigned to you after	10	and to use his words, the big guy, meaning
11	the APA committee met.	11	Col Allan, would not let me get a higher
12	I am not comparing your final	12	number.
13	review with your self review.	13	Q. Did he say why Col Allan took that
14	A. What I remember is -- of the	14	position?
15	process is that -- I am just trying to --	15	A. He didn't go into details.
16	can you restate the question?	16	Q. Did he tell you if anybody else
17	Q. Okay. Let's go to 2009.	17	besides Col Allan was involved in that
18	A. Okay.	18	decision?
19	Q. In 2009 your supervisor submitted	19	A. No. He just said --
20	a performance review with a rating and the	20	Q. Did he tell you who else was at
21	committee, APA committee reduced your level	21	the APA committee meeting?
22	by -- your rating by one level, correct?	22	A. He just said the big guy. He was
23	A. Well, I know that Joe told me he	23	very specific to point to Col Allan as the
24	had to reduce it because Col Allan would not	24	person telling him --
25	let him give me a higher number.	25	Q. I understand.
	Page 578		Page 579
1	Guzman	1	Guzman
2	In 2008 did Mr. Rabinowitz tell	2	Q. And do you have any other belief
3	you why you were reduced by one level?	3	as to why your rating was reduced in 2008?
4	A. I remember having a conversation	4	A. I believe that it had to do with
5	with him about the nature of these	5	discrimination. I believe I was treated
6	evaluations and how many times he couldn't	6	differently than -- I believe I was treated
7	give higher numbers because that would merit	7	differently than my white co-workers.
8	a salary increase and the number that I was	8	Q. How do you know that other people
9	trying to negotiate with him because this	9	were not treated similarly to you with
10	was a negotiation was actually a number	10	respect to APA evaluations in 2008?
11	below from the most excellent number and	11	A. Because I saw how perfectly
12	he -- I remember he said to me --	12	talented African American reporters and
13	Q. Ms. Guzman, I am sorry.	13	Hispanic employees were treated.
14	A. -- if you were a 5 you would be	14	MR. THOMPSON: She is answering
15	running this paper.	15	your question. This is directly
16	Q. The question I asked is, did	16	responsive --
17	Mr. Rabinowitz tell you why you were reduced	17	MR. LERNER: No, it is not
18	by one level, it is a yes or no question.	18	responsive.
19	Either he did or he didn't. If I want to	19	THE WITNESS: Yes, it is.
20	know --	20	MR. THOMPSON: Yes, it is.
21	A. Yes.	21	MR. LERNER: I don't believe it
22	Q. -- what the answer was I will	22	is.
23	follow up and ask you to tell us what he	23	MR. THOMPSON: It is. She is
24	told you.	24	answering your question.
25	A. Okay.	25	The question was how do you know

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Guzman that other people were not treated similarly to you with respect to APA evaluations in 2008. She is explaining it to you, Mr. Lerner.	Please continue, Ms. Guzman. That is no a yes or no question, sir.	Go ahead.	MR. LERNER: I withdraw the question.	MR. THOMPSON: No. No. No. She -- you are not withdrawing. She is --	MR. LERNER: I am going to withdraw.	MR. THOMPSON: No. No. No. No. No.	MR. LERNER: We are not going to sit here and have her speechify.	MR. THOMPSON: It is not speechify. She is going to answer that question. You can withdraw it all you want.	Please answer that question,	Page 580					
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Guzman Ms. Guzman.	THE WITNESS: It is not speechify. MR. LERNER: Mr. Thompson, please --	THE WITNESS: It is the way that I was treated to --	MR. LERNER: It is my deposition. THE WITNESS: No.	MR. THOMPSON: You can't cut off the deposition when she answering questions. You can't withdraw questions when you don't like the answers, Mr. Lerner. That is what is happening here.	THE WITNESS: I was discriminated against because I am a woman and because I am Hispanic and because I am black.	BY MR. LERNER:	Q. Do you know if anybody else had their APA rating reduced?	MR. THOMPSON: Can you get some tissues or something?	We don't need to go off the record, Jordan.	Page 581					
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Guzman THE WITNESS: I can tell you that many of my colleagues --	MR. LIPPNER: You can be a little more respectful.	MR. THOMPSON: Don't raise your voice, sir. Ms. Guzman is here crying.	MR. LIPPNER: That is your doing not ours.	MR. THOMPSON: No. No. No. No, sir, it is not.	THE WITNESS: Actually, it is the New York Post's doing. My experiences there. My colleagues and I would discuss APA evaluations after we received them.	My colleagues and I would talk about them. We would talk about what they received, what they were told and I have knowledge of many African American colleagues being treated the same way as I was, differently than my white colleagues.	BY MR. LERNER:	Q. Whose APA evaluations were reduced	Page 582						
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Guzman in 2008?	A. Reduced?	Q. Yes.	A. Or not fair?	Q. Reduced.	A. Reduced or not fair?	Q. Reduced.	A. This is what I am talking, not legitimate. Not capturing the work that we did.	MR. THOMPSON: Ms. Guzman, the question is reduced. Okay. If you can just focus on that.	BY MR. LERNER:	Q. Do you know whose APA evaluations in 2008 were reduced? It is a yes or no other than yours?	A. No.	Q. In 2009 your APA level was reduced as we spoke of earlier, correct?	A. Yes.	Q. Did anybody tell you that reduction was based on retaliation for anything you did?	Page 583

<p>1 Guzman</p> <p>2 Q. Did it say that you were an</p> <p>3 employee at will at all times?</p> <p>4 A. I don't remember the exact words.</p> <p>5 Can I read it again?</p> <p>6 Q. Did the contract lapse?</p> <p>7 A. It lapsed.</p> <p>8 Q. Was it renewed by The New York</p> <p>9 Post, do you have any further contracts?</p> <p>10 A. No.</p> <p>11 Q. Did you regard yourself as an</p> <p>12 employee at will after that contract lapsed?</p> <p>13 A. Yes.</p> <p>14 Q. Did you think you should have been</p> <p>15 offered a different job at The Post instead</p> <p>16 of being terminated?</p> <p>17 A. I wanted to be treated just like</p> <p>18 Margie Conklin was treated. They -- a white</p> <p>19 woman in a similar position, her section was</p> <p>20 reduced in frequency and instead this white</p> <p>21 woman was -- they created a position for her</p> <p>22 with additional duties. I wasn't given that</p> <p>23 opportunity.</p> <p>24 I was treated differently because</p> <p>25 I am Hispanic and because I am black.</p>	<p>1 Guzman</p> <p>2 Q. Did you understand that there was</p> <p>3 a position available on the Sunday New York</p> <p>4 Post that Ms. Conklin was qualified to do</p> <p>5 when Page 6, the magazine, was shut down?</p> <p>6 A. No. This position was created for</p> <p>7 Margie. This position did not exist and</p> <p>8 they created additional duties for Margie.</p> <p>9 Q. What was name of that position?</p> <p>10 A. She was some features director or</p> <p>11 something. It was --</p> <p>12 Q. What was the title?</p> <p>13 A. I don't remember the title. But</p> <p>14 it was a position above what Steve and</p> <p>15 Katherine were doing.</p> <p>16 Q. Was it with respect to the feature</p> <p>17 section or the Sunday paper?</p> <p>18 A. It may have been to both. I</p> <p>19 remember her making contributions to both.</p> <p>20 Q. And was a -- do you know if there</p> <p>21 was a vacant position that she filled?</p> <p>22 A. I know that they created a</p> <p>23 position for her with new duties that were</p> <p>24 not there prior to this position.</p> <p>25 Q. How do you know that?</p>
<p>1 Page 594</p> <p>2 Guzman</p> <p>3 A. Because I was working there at the</p> <p>4 time and this was the chatter of the water</p> <p>5 cooler.</p> <p>6 Q. So this was water cooler chatter?</p> <p>7 A. Yes.</p> <p>8 Q. And did you -- did the water</p> <p>9 cooler chatter include the details regarding</p> <p>10 Ms. Conklin's contract with The Post?</p> <p>11 A. No.</p> <p>12 Q. Do you know what her contract with</p> <p>13 The Post said?</p> <p>14 A. No.</p> <p>15 Q. Have you ever seen her contract?</p> <p>16 A. No.</p> <p>17 Q. Did anyone tell you in management</p> <p>18 that this new position was created for</p> <p>19 Ms. Conklin?</p> <p>20 A. No.</p> <p>21 Q. Did you ask for a new position to</p> <p>22 be created for you?</p> <p>23 A. No.</p> <p>24 Q. Did you think that you should have</p> <p>25 been offered an editor position on the city</p>	<p>1 Page 595</p> <p>2 Guzman</p> <p>3 A. I think I should have been given</p> <p>4 an opportunity to try out, yes. My</p> <p>5 contributions at the paper, yes.</p> <p>6 Q. Isn't it a fact that you -- do you</p> <p>7 think you should have been offered a</p> <p>8 position to try out on the city desk?</p> <p>9 A. Sure.</p> <p>10 Q. Do you know what the city desk</p> <p>11 editor position that was open in the fall of</p> <p>12 2009 paid?</p> <p>13 A. I don't know.</p> <p>14 Q. Did you know that it paid about</p> <p>15 40 percent less than you were making?</p> <p>16 A. I don't know. I come highly</p> <p>17 qualified and highly experienced.</p> <p>18 Q. Are you aware of any New York Post</p> <p>19 editor that was offered a job at a salary</p> <p>20 40 percent less than they were making</p> <p>21 before?</p> <p>22 A. I don't know.</p> <p>23 Q. Had you ever been tried out on the</p> <p>24 city desk?</p> <p>25 A. My first several months at the</p>